



PRESENT:

Mr. Russell J. Gulley, Chairman
Mr. F. Wayne Bass, Vice Chairman
Dr. William P. Brown
Mr. Sam R. Hassen
Mr. Reuben J. Waller, Jr.
Mr. Kirkland A. Turner, Secretary to the Commission,
Planning Director

ALSO PRESENT:

Mr. Glenn E. Larson, Assistant Director, Plans
and Information Section, Planning Department
Mr. Michael E. Tompkins, Assistant Director,
Development Review Section, Planning Department
Ms. Beverly F. Rogers, Assistant Director, Zoning and
Special Projects Section, Planning Department
Mr. Robert V. Clay, Planning and Special Projects Manager,
Zoning and Special Projects Section, Planning Department
Ms. Jane Peterson, Planning and Special Projects Manager,
Zoning and Special Projects Section, Planning Department
Ms. Darla W. Orr, Planning and Special Projects Manager,
Zoning and Special Projects Section, Planning Department
Ms. Teresa C. Davis, Planning and Special Projects Coordinator,
Zoning and Special Projects Section, Planning Department
Mr. Gregory E. Allen, Planning Administrator,
Development Review Section, Planning Department
Mr. Alan G. Coker, Senior Planner, Development
Review Section, Planning Department
Mr. Carl D. Schlaudt, Planning Administrator,
Planning Department
Mr. Jeffery H. Lamson, Senior Planner, Development
Review Section, Planning Department
Mr. Jeff Dopp, Senior Planner, Development
Review Section, Planning Department
Mr. Ryan Ramsey, Senior Planner, Development
Review Section, Planning Department
Ms. Amy Somervell, Senior Planner, Development
Review Section, Planning Department
Ms. Lisa Caudill, Administrative Assistant, Administration

Section, Planning Department
 Ms. Pamela Nichols, Clerk to the Commission,
 Zoning and Special Projects Section, Planning Department
 Ms. Tara McGee, Assistant County Attorney,
 County Attorney's Office
 Mr. David W. Robinson, Assistant County Attorney,
 County Attorney's Office
 Mr. Joseph E. Feest, Planning Administrator, Development
 Review Section, Planning Department
 Mr. Ted Barclay, Supervisor Code Compliance
 Planning Department
 Mr. Steven Adams, Senior Civil Engineer
 Transportation Department
 Mr. Roy Covington, Director
 Utilities Department
 Mr. Bill Wright, Assistant Director – Engineer
 Utilities Department
 Mr. Richard M. McElfish, Director,
 Environmental Engineering Department
 Lieutenant Frank Nause, Fire and
 Emergency Services, Fire Department
 Ms. Patricia W. Kizzie, Assistant Director,
 Budget and Management Department
 Ms. Carol Judkins, Budget and Management Analyst,
 Budget and Management Department
 Dr. Mike Etienne, Communications Specialist,
 Planning Department, School Administration

ASSEMBLY AND WORK SESSION

Messrs. Gulley, Bass, Brown, Hassen, Waller and staff assembled at 12:00 p.m. in the Multipurpose Meeting Room of the Chesterfield County Community Development Building, 9800 Government Center Parkway, Chesterfield, VA., for lunch and a work session.

I. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS, CHANGES IN THE ORDER OF PRESENTATION.

Mr. Turner apprised the Commission that staff requested amendments to the agenda to include adding a new Item V, Discussion of the Swift Creek Reservoir Water Quality and Water Treatment; a new Item XI, Discussion of Variable Electronic Message Boards. On motion of Dr. Brown, seconded by Mr. Hassen, the Commission amended the agenda as follows:

- I. Requests to Postpone Action, Emergency Additions, Changes in the Order of Presentation.
- II. Review Upcoming Agendas. (Any rezonings or conditional uses scheduled for future meetings.)
- III. Review Day's Agenda. (Any items listed for the 3:00 p.m. and 6:30 p.m. Sessions.)
- IV. Work Program – Review and Update.
- V. Discussion of the Swift Creek Reservoir Water Quality and Water Treatment.
- VI. Proposed Code Amendment Relative to Height of Church Steeples.

- VII. Proposed Code Amendment Relative to Vehicle Parking in Front Yards in Residential Districts.
- VIII. Proposed Code Amendment Relative to Fines for Unrelated Individuals Sharing Single Family Residences.
- IX. Discussion Regarding Format of Recommendations to the Board of Supervisors on Plan and Ordinance Amendments.
- X. Discussion of Variable Electronic Message Boards.
- XI. Proposed Code Amendment Relative to Protecting Water Quality in the *Upper Swift Creek* Watershed "Mass Grading".
- XII. Planning Topics-Energy Conservation and Planning.
- XIII. Recess.

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller.

II. REVIEW UPCOMING AGENDAS.

Ms. Rogers apprised the Commission of the caseload agenda for the upcoming months of September, October, and November 2008.

III. REVIEW DAY'S AGENDA.

Mr. Michael Tompkins presented an overview of, and staff's recommendation for, requests to be considered at the 3:00 p.m. Public Meeting.

Ms. Beverly Rogers presented an overview of, and staff's recommendation for, requests to be considered at the 6:30 p.m. Public Meeting and Hearing.

IV. WORK PROGRAM.

Mr. Turner apprised the Commission that the work program was updated with the results from the Board of Supervisors' meeting.

V. DISCUSSION OF THE SWIFT CREEK RESERVOIR WATER QUALITY AND WATER TREATMENT.

Mr. Covington presented an update and overview for established policies to include possible implementation of procedures and policies based on the Black and Vetch Study. Mr. Covington responded to questions from the Commission relative to the cost associated with dredging the reservoir and long range plans for the creation of additional water sources.

VI. PROPOSED CODE AMENDMENT RELATIVE TO HEIGHT OF CHURCH STEEPLES.

Mr. Greg Allen presented an overview of variance cases relative to the height of Church steeples and staff's recommendation that the overall scale for Church steeples should not exceed a ratio of 3:1 between the overall steeple to building height; and the draft text staff would also include conditions for structures that included cellular transmission equipment.

Mr. Allen responded to questions relative to the overall purpose; benefits and options for the proposed amendment. Following discussions the Commission set a public hearing for October 21, 2008.

The Commission directed staff to prepare an alternative Ordinance amendment for a reduction in the application fee for exceptions to building height.

On motion of Mr. Hassen, seconded by Dr. Brown, the Commission set a public hearing for the October 21, 2008.

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller.

VII. PROPOSED CODE AMENDMENT RELATIVE TO VEHICLE PARKING IN FRONT YARDS IN RESIDENTIAL DISTRICTS.

Mr. Ted Barclay advised the Commission of staff's request to defer presentation on the proposed code amendment to the November 18, 2008, work session.

On motion of Mr. Bass, seconded by Dr. Brown, the Commission resolved to defer discussion on the proposed code amendment to the November 18, 2008 work session.

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller.

VIII. PROPOSED CODE AMENDMENT RELATIVE TO FINES FOR UNRELATED INDIVIDUALS SHARING SINGLE FAMILY RESIDENCES.

Ms. Tara McGee presented an overview of the new State law which addressed penalties for violations of the ordinance regarding the number of unrelated persons in single family dwellings.

Mr. Barclay responded to a concern raised by the Commission relative to the initiation and enforcement of the violations.

The Commission agreed to continue discussion relative to the proposed code amendment to include the definition of "family" at the November 18, 2008 work session.

On motion of Dr. Brown, seconded by Mr. Bass, the Commission resolved to continue discussion of the proposed code amendment at the November 18, 2008 work session.

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller.

IX. DISCUSSION REGARDING FORMAT OF RECOMMENDATIONS TO THE BOARD OF SUPERVISORS ON PLAN AND ORDINANCE AMENDMENTS.

Mr. Turner apprised the Commission of staff's recommendation to forward one document which would include the Planning Commission's and staff's recommendations to the Board of Supervisors on Plan and Ordinance Amendments.

The Commission voiced disapproval in formatting one document with the Commission's and staff's recommendations combined. After further discussion and comments, the Commission directed staff to prepare examples of formatting recommendations on Plan and Ordinance Amendments and zoning case.

The Commission agreed to continue discussion at the October 21, 2008 work session.

X. DISCUSSION OF VARIABLE ELECTRONIC MESSAGE BOARDS.

Mr. Greg Allen presented results of a staff-generated survey regarding various options and concerns about how the County would address a revised policy or Ordinance amendment for light emitting diode (LED) signs.

The Commission directed staff to present draft language relative to the proposed policy amendment and scheduled a work session for September 16, 2008.

XI. PROPOSED CODE AMENDMENT RELATIVE TO PROTECTING WATER QUALITY IN THE UPPER SWIFT CREEK WATERSHED "MASS GRADING".

Mr. Gulley commented on meetings with individual Commissioners and Mr. Dick McElfish relative to the proposed Code Amendment.

Mr. Robinson responded to questions relative to the County's ability to enforce the Ordinance and to suggested changes to the draft language.

The Commission directed staff to work with the County Attorney to draft new language for the proposed Code Amendments and asked staff to present the proposed draft language at their October 21, 2008 work session.

XII. PLANNING TOPICS – ENERGY CONSERVATION AND PLANNING.

The Commission agreed to defer the presentation on the Planning Topics – Energy Conservation and Planning to their September 16, 2008, work session.

XIII. RECESS.

There being no further business, the Commission recessed at 2:45 p.m., agreeing to reconvene in the Public Meeting Room (Executive Session Room) at the Administration Building Complex for the 3:00 p.m., for the public meeting.

3:00 P. M. PUBLIC MEETING

Mr. Gulley, Chairman, called the meeting to order at 3:05 p.m. in the Public Meeting Room of the Chesterfield County Administration Building in the Government Center Complex.

I. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

Mr. Hassen requested to reorder Case O8TS0264, Wilton Development Corporation as the last case requiring discussion.

On motion of Dr. Brown, seconded by Mr. Bass, the Commission amended the agenda to reorder Case O8TS0264 as the last case of those cases requiring discussion.

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller.

II. REVIEW MEETING PROCEDURES.

Mr. Turner reviewed the meeting procedures.

Mr. Gulley informed the public of the meeting process to include the time limits for presentations by the applicants, individuals and groups' representatives.

III. APPROVAL OF THE PLANNING COMMISSION MINUTES:

On motion of Dr. Brown, seconded by Mr. Bass, the Commission resolved to approve the July 15, 2008, Planning Commission minutes.

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller.

IV. CONSIDERATION OF THE FOLLOWING REQUESTS:

- REQUEST FOR DEFERRAL BY APPLICANT.

08PR0386: In Bermuda Magisterial District, **RIVERS BEND SELF STORAGE, LLC** requested deferral of consideration to waive the requirement for a 100 foot wide buffer in conjunction with site plan approval for an approximately 145,000 square feet mini-storage facility and related office. This project is known as **RIVERS BEND SELF STORAGE**. This request lies in a General Industrial (I-2) and Agricultural (A) Districts on 22.15 acres fronting approximately 284 feet on the north line of West Hundred Road. Tax IDs 807-653-0838, 2033, 4542, 6964, and Part of 2676, and 807-654-Part of 0860 and 0432.

Mr. David Campbell, the applicant, requested deferral of Case 08PR0386 to the October 21, 2008, Planning Commission meeting.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Hassen, seconded by Mr. Bass, the Commission resolved to defer Case 08PR0386 to the October 21, 2008, Planning Commission meeting.

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller.

- CASES WHERE THE APPLICANTS ACCEPT STAFF'S RECOMMENDATION AND THERE WAS NO OPPOSITION PRESENT.

08TW0414: In Dale Magisterial District, **CHARLES & EVA THORPE** are requesting a development standards waiver to the Zoning Ordinance provision in Section 19-510(a)(1) to permit a RV camper to be parked outside the required rear yard. This project is commonly known as **PENNWOOD, SECTION 1, BLOCK A, LOT 12**. This request lies in a Residential (R-9) District on a 2.09-acre parcel fronting approximately 155 feet on the north line of Barkbridge Road. Tax ID 765-686-1818.

Mr. Charles Thorpe and Ms. Eva Thorpe, the applicants, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Dr. Brown, seconded by Mr. Waller, the Commission resolved to approve Case 08TW0414 subject to the following conditions:

CONDITIONS

1. The recreational vehicle shall be parked in the side yard at the rear of the existing driveway and at least five (5) feet from the side property line at all times, except during loading and unloading activities.
2. This Development Standards Waiver shall be granted exclusively to Charles and Eva Thorpe, and not be transferable with the land.

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller.

09PR0119: In Midlothian Magisterial District, **THE FRESH MARKET/TFF ARCHITECTS** is requesting approval of architecture as required by the Proffered Condition of zoning Case 93SN0189. This project is known as **MIDLOTHIAN FRESH MARKET**. This request lies in a Neighborhood Business (C-2) District on approximately 1.9 acres fronting approximately 330 feet on the west line of Huguenot Road and fronting approximately 300 feet on the north line of Old Buckingham Road and located in the building formerly occupied by Barnes and Noble Bookstore. Tax ID 739-710-Part of 9202.

Mr. Paul Henson, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Waller, seconded by Dr. Brown, the Commission resolved to approve of Case 09PR0119 subject to the following condition:

CONDITION:

The building and site modifications shall be substantially as shown on the drawings provided by Teague Freyaldenhoven and Freyaldenhoven Architects, revision dated August 1, 2008.

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller.

- **CASES WHERE THE APPLICANTS DID NOT ACCEPT STAFF'S RECOMMENDATION AND THERE WAS NO OPPOSITION PRESENT.**

08PS0360: In Midlothian Magisterial District, **STONEHENGE VILLAGE, LLC** is requesting approval of the architectural theme for buildings on outparcels for Stonehenge Village Shopping Center. This request lies in Corporate Office (O-2) and Community Business (C-3) Districts on 13.2 acres fronting approximately 1950 feet on the south line of Midlothian Turnpike across from Walmart Way. Tax IDs 735-707-Part of 6669 and 9536; 736-707-4093 and Part of 8355; and 737-707-2091 and 2699.

Mr. Greg Allen informed the Commission of the applicant's decision not to withdraw this case from the agenda.

Mr. Alan Coker, presented an overview, and recommendation of staff for denial noting the theme statement did not sufficiently align with the theme approved for the shopping center and the proposed architectural design of the Cracker Barrel was not sufficiently compatible with the other buildings.

Mr. Chris Doyle, the applicant's representative, stated that in relation to the current theme of the shopping center, the applicants were able to adapt to the surrounding buildings located in the Stonehenge Village Shopping Center with the exception of the vertical board and batten strips.

Mr. Gulley opened the floor for public comments.

Mr. Don Roddle, Cracker Barrel's Associate, stated that the company was very interested in opening a store in the Midlothian area and they were working through architectural issue to make Cracker Barrel compatible with the shopping center. He also stated that changing the vertical board and batten strips would take away from the overall appearance of the building.

Mr. Gulley stated that he has seen other companies make architectural changes to achieve compatibility with the architectural theme of an area.

There being no one else to speak, Mr. Gulley closed the public comments.

Mr. Waller commented that overall the Cracker Barrel concept would work well in the Midlothian District; however, the architectural design was not compatible with the current architectural theme.

On motion of Mr. Waller, seconded by Mr. Bass, the Commission resolved to deny the Case 08PS0360.

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller.

- **CASES WHERE THE APPLICANTS DID NOT ACCEPT STAFF'S RECOMMENDATION AND THERE WAS OPPOSITION PRESENT.**

08TS0409: (Amended) In Bermuda Magisterial District, MILES & WELLS PARTNERSHIP is requesting adjusted tentative subdivision approval for the conversion of Fox Chappel Road from right-of-way to open space. This project is commonly known as WELLINGTON FARMS, SECTIONS E, F & G. This request lies in an Agricultural (A) and Residential (R-9, R-12 & R-25) Districts on 103.11 acres fronting approximately 525 feet on the south line of Chalkley Road and also fronting approximately 290 feet on Fox Chappel Road. Tax IDs 782-658-4186, 782-659-2485, 783-658-7283, 783-658-7859, 783-658-8587, 783-658-9468, 783-658-9593, 784-658-0545, 784-658-0557, 784-658-0719, 784-658-0832, 784-658-0994, 784-658-2008, 784-658-2175, 784-658-2298, 784-658-2565, 784-658-2854, 784-658-3241, 784-658-3517, 784-658-3732, 784-658-4183, 784-658-4674, 784-658-5362, 784-658-5753, 784-658-5942, 784-658-6131, 784-658-6398, 784-658-6987, 784-658-7317, 784-658-7676, 784-658-8265, 784-658-8754, 784-658-9224, 784-658-9543, 784-658-9995, 784-659-3304, 784-659-4913, 784-659-5919, 784-659-6926, 784-659-7932, 784-659-8112, 784-659-8903, 784-659-9039, 785-658-1190, 785-659-0049, 785-659-0227, 785-659-0758, 785-659-0918, 785-659-1369, 785-659-1742, 785-659-1880, 785-659-2401, 785-659-2518, 785-659-2593, 785-659-2833, 785-659-2964, 785-659-3977, 785-659-4160, 785-659-4630, 785-659-4787, 785-659-5298, 785-659-5547, 785-659-7571, 785-660-3006, 785-660-3617, 785-660-4028, 785-660-4341, 785-660-4653, 785-660-4669, 785-660-4985, 785-660-6008, 785-660-6321, 785-660-6388, 785-660-6533, 785-660-6751, 785-660-7062, 785-660-7675.

Mr. Ryan Ramsey, presented an overview, and staff's recommendation of denial noting the tentative subdivision did not conform to the Connectivity Policy; the applicant had not substantially justified any hardship for not complying with the Connectivity Policy; the Fox Chappel Road stub serves as a critical second access road into the planned Centralia Station development; and if the access was blocked, the accessibility to and from the development in an emergency situation would be restricted and adversely affect the health, safety and welfare of citizens within the development.

Mr. Will Shewmake, the applicant's representative, stated that if the Commission recommended denial of the conversion of the existing right-of-way into open space, it would heavily impact the residents of Wellington Farms noting the health, safety and welfare of the residents.

Mr. Gulley opened the floor for public comments.

Ms. Martha Mokarry, President of the Wellington Farm Homeowners Association, Ms. Diana Parker, Ms. Emily Johnson, Ms. Bonnie Ramsey, Ms. Michelle Deane, Ms. Sarah Wise, Ms. Sharon Suprun, Ms. Rajah Petrigala, and Messrs. Alex Blair, Tom Tennille, Robert Prillaman, Phillip Warren, Steve Suprun, Lee White Paul W. Jenkins and Ray Ramsey spoke in favor of converting the existing right-of-way into open space noting concerns of safety; increase traffic; impact on wetlands; additional cost for road improvements; decrease in property value; preservation of the neighborhood; decline in the quality of life for the residents; traffic hazards; increase speeds relative to the safety of pedestrians and children and the need for a traffic impact analysis on Centralia Road.

Mr. John Cogbill, McGuireWoods, LLP, presented documents to the Commission in opposition to the conversion of the existing right-of-way. He voiced concerned that rather than allowing Fox Chapel Road to serve its purpose, the developer wanted to isolate its development and deprive Wilton Development Corporation of its right to use Fox Chappel Road; that a completion bond had been posted by the Wellington Farms developers with the County and yet no work was done on Fox Chappel Road; and that supporting Wellington Farms' request to create "open space" in lieu of constructing Fox Chappel Road would condone and reward the developer's lack of diligence in performing its obligations as set forth in the conditions of the subdivision plat approved in 2003.

Mr. John Easter, Representative of Wilton Development Corporation, spoke in opposition of the conversion of the existing right-of-way and asked the Commission to hold the developer accountable for the agreement that was made with the County. He stated that under the Subdivision Ordinance, the only persons who were eligible to file a tentative were the subdivider or the property owner, and that Miles & Wells Partnership had no legal right to file for a tentative. Mr. Easter also asked the Commission to consider deferring the Wellington Farms' and Centralia Station requests to allow time for a community meeting and a possible resolution. In conclusion, Mr. Easter stated that the developers of Centralia Station were never invited to participate in community meetings with the residents of Wellington Farms; and that he was advised by Mr. Hassen that a community meeting was not necessary because the Centralia Station Case would be deferred.

In rebuttal, Mr. Shewmake, addressed the concerns of those in opposition of the request and noted the time span Wilton Development Corporation had to submit a request for development; that the representatives never informed Wellington Farms of their desire to participate in a community meeting; and reiterated the impact Fox Chappel Road would have on the Wellington Farms residents relative to safety, increased traffic and decreased property value. He added that the request is also in compliance with the Comprehensive Plan.

There being no one else to speak, Mr. Gulley closed public comments.

In response to Mr. Easter's comment that Wilton Development Corporation was never invited to participate in a community meeting with Wellington Farms, Mr. Hassen referenced an opposition letter dated February 14, 2008, from the residents of Wellington Farms to Wilton Development Corporation. Mr. Hassen stated that connectivity was not required for the purpose of providing a second access to the adjacent proposed development that exceeds fifty (50) lots. He added that development of the adjacent property would add to the traffic problem on Centralia Road and that the access from the proposed adjacent development through Wellington Farms would create an unsafe situation for the residents of Wellington Farm.

Mr. Newcomb, Mr. Pritchard and Ms. Tara McGee responded to questions from the Commission relative to the Hopkins Road Extended; Wilton Development Corporation's legal and vested rights to Fox Chappel Road; the contractual obligation of the developer of Wellington Farm to improve Fox Chappel Road; and the violation of the completion bond posted by the developers with the County.

On motion of Mr. Hassen, seconded by Mr. Bass, the Commission resolved to recommend approval of the Adjusted Tentative Plat for Case 08TS0409 subject to the following conditions:

CONDITIONS

1. All conditions and proffered conditions of zoning case 89SN0182 shall apply to the land shown within this approved tentative. All construction proffers shall be placed on the final check and record plat. (P)
2. Prior to the vacation of the Fox Chappel Road right-of-way or any plat amendment recordation, revised construction plans shall have been approved by all agencies to include VDOT. (EE)
3. Per Section 8-4 of the Erosion Control Ordinance, prior to the issuance of a Land Disturbance Permit, the Environmental Engineering Department shall require copies of applicable correspondence from the USACOE so that it may be determined that all wetland permits have been received. (EE)
4. Any timbering that is to occur as the first phase of infrastructure construction will be incorporated into the project's erosion-and-sediment control plan narrative and will not commence until the issuance of a land disturbance permit for subdivision construction and proper installation of erosion control measures. (EE)
5. The USACOE jurisdictional wetlands shall be shown on the construction plans and subdivision plat. (EE)
6. Approval of the road and drainage plans by Commonwealth Gas Company in relation to its easement and facilities therein is a prerequisite to construction plan approval by the Environmental Engineering Department. A quitclaim to VDOT or a satisfactory commitment thereof by Commonwealth Gas Company for the location where Michmar Drive right-of-way will cross the Columbia Gas easement shall be a prerequisite to subdivision plat recordation. (EE)
7. The areas of storm-water runoff concentration as discussed in the Environmental Engineering Department tentative report dated October 3, 2003 will be field located and shown on the plans.

The construction plans shall designate the affected lots with an NBP, and an engineered storm sewer, filling, grading, and drainage plan shall be included in the construction plans. (EE)

8. The subdivider shall post signs demarking the limits of the Resource Protection Area so builders and homeowners may be informed as to the limitations imposed on these areas. Specific plans for the exact number and placement of the signs shall be approved by the Environmental Engineering Department. (EE)
9. The erosion and sediment control plan for the project shall call for the placement of polyethylene fence or its equivalent in accordance with STD & SPEC 3.01 of the Virginia Erosion and Sediment Control Handbook along the RPA limits prior to the issuance of a land disturbance permit. (EE)
10. Building envelopes as shown on the tentative plan along with any other directed by the Environmental Engineering Department shall be placed on the construction plans and subdivision plat. (EE)
11. The floodplain as shown on the approved construction plans and the recorded subdivision plat shall be the result of hydrologic and hydraulic engineering methods and assumptions, which are approved by the Environmental Engineering Department. (EE)
12. Prior to the subdivision plat recordation of Section G, the roads in Sections E shall be taken into the State maintenance system. (EE)
13. The roads in Section E shall be in the state secondary roads maintenance system within 3 months of the decision rendered by the Planning Commission. Otherwise, in addition to the hold on building permits in Section E, there will be an additional hold on building permits in Section F. (EE)
14. Unless otherwise directed by the Environmental Engineering Department, no building permits for lots 1 – 3 of Section G shall be issued until the Stormwater Management (SWM)/ Best Management Practice (BMP) facility as ceased its service as a sediment basin, is cleaned out, converted to a BMP, and certified in accordance with the most recent Environmental Engineering BMP certification form. (EE)
15. To the extent permitted by the USACOE, the facilities originally installed as sediment basins in the early 1990s shall be dismantled. (EE)
16. Approval of the tentative subdivision is not an approval of the water and/or sewer layout as shown on the subdivider's tentative subdivision plat. The review of the tentative water and/or sewer layout is being performed to identify any potential controversial problems. The subdivider understands that as the final details of the proposed development are reviewed, the Utilities Department may require changes to the original layout as deemed in the best interest of the County, which ultimately benefits the department's customers as users of the public water/sewer systems. (U)
17. It will be the responsibility of the subdivider to make certain that all proposed sections within the development complies with the Chesterfield County fire department's required fire flow of 1000 GPM at 20 PSI residual. These calculations will be verified by our office, and the sub divider will

be notified if any additional improvements will be required by the sub divider to ensure 20 PSI can be maintained throughout the pressure zone that the project is located within. (U)

18. The agricultural piece of property shall be rezoned before it is incorporated into the subdivision. This will necessitate reworking the cul-de-sac if recordation is planned for Wellington Farms Terrace. (P)

Dr. Brown commented that based on the presumption that the Board of Supervisors would vacate the previously dedicated right-of-way, the tentative plat for the adjacent proposed development would exceed the limitation of residential units on one access and therefore a vote of approval was difficult.

Mr. Waller commented that based on the many issues surrounding the cases, the Planning Commission's recommendation of approval would appear more of a business issue rather than a land use issue and he could not support the request because of the hardship it would cause another development.

AYES: Messrs. Gulley, Bass and Hassen.

NAYS: Messrs. Brown and Waller

On motion of Mr. Hassen, seconded by Mr. Bass, the Commission resolved to waive the connectivity policy for Fox Chappel Road.

AYES: Messrs. Gulley, Bass and Hassen.

NAYS: Messrs. Brown and Waller

08TS0264: In Bermuda Magisterial District, **WILTON DEVELOPMENT CORPORATION** is requesting tentative subdivision approval for 151 single-family lots and an exception to Section 17-70 to allow buffers to be inclusive of setbacks for proposed lots 142, 143 and 151. This development is commonly known as **CENTRALIA STATION**. This request lies in Residential (R-7, R-9, R-12) and Agricultural (A), zoning Districts on 83.54 acres fronting approximately 680 feet on the south line of Centralia Road, also lying on the east line of Fox Chappel Road. Tax IDs 785-663-7560, and 9781, 786-660-5178, 786-663-1052, and 2179.

Mr. Gulley stated that from a legal perspective, the Commission could not recommend approval of the applicant's current request for a tentative consisting of a proposed one hundred fifty-one (151) lots, and asked if the applicant was willing to amend the current application.

Ms. Tara McGee noted that based on the Commission's approval recommendation Fox Chappel Road, the applicant would need to seek a tentative subdivision approval of one hundred fifty (151) lots without a second access.

Mr. John Easter, the applicant's representative, disagreed with Ms. McGee's conclusion noting that until Fox Chappel Road is abandoned by the County it could provide access to Centralia Station and the Commission could recommend approval as well as including a condition to read "until Centralia Station provides a second access, the project would be limited to fifty (50) lots. He added that until the Board of Supervisors vote to vacate Fox Chappel Road, the road remains; approval could be granted; and a revision of the application was not required.

Mr. Turner asked the Commission to consider deferring this case for at least thirty (30) days to consider the impact of the limitations based on the vacating of Fox Chappel Road. Mr. Easter agreed to the thirty (30) day deferral.

Mr. Hassen asked Mr. Easter to request a sixty (60) day deferral because the allowable time for the Commission to request a deferral was beyond sixty (60) days given that the Planning Commission's October meeting was sixty-three (63) days from the current date.

Mr. Turner advised the Commission that staff would not support an application for one hundred fifty-one (151) lots on a single access or an identical layout because an attempt for a second access has not been explored.

The Commission agreed to defer this case to the September 16, 2008 public hearing.

Mr. Gulley opened the floor for public comments.

Mr. Tom Tamaddon and Ms. Bonnie Ramey spoke in favor of the deferral and asked the applicant to consider deferring for sixty (60) days.

There being no one else to speak, Mr. Gulley closed the public comments.

The following motion was made at Mr. Hassen's request.

On motion of Mr. Hassen, seconded by Mr. Bass, the Commission, on their own motion, resolved to defer Case 08TS0264 to the September 16, 2008 Public meeting.

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller.

IV. RECESS.

There being no further business to discuss, the Commission recessed the Afternoon Session at approximately 5:20 p.m., agreeing to meet in the Executive Meeting Room for dinner and to reconvene in the Public Meeting Room at 6:30 p.m. for the public hearing.

During dinner, there was general discussion regarding pending cases.

6:30 P.M PUBLIC MEETING AND HEARING.

I. INVOCATION.

Mr. Gulley presented the invocation.

II. PLEDGE OF ALLEGIANCE TO THE FLAG OF UNITED STATES OF AMERICA.

Mr. Bass led the Pledge of Allegiance to the Flag.

III. REVIEW UPCOMING AGENDAS.

Mr. Turner apprised the Commission of the caseload agenda for the upcoming months.

IV. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

Mr. Gulley requested to reorder Case 08SN0159, Douglas and Susan Sowers as the first case requiring discussion.

Mr. Gulley requested to reorder Case 08SN0105, Stylecraft Homes Development Corp. to Item VIII, Deferral Requests by Applicants, and Case 08SN0285, Emerson Roper Companies, LLC, to Item IX, Deferral Request by Individual Planning Commissioners.

On motion of Dr. Brown, seconded by Mr. Bass, the Commission amended the agenda to reorder Cases 08SN0105 and 08SN0285.

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller.

V. REVIEW MEETING PROCEDURES.

Mr. Turner reviewed the meeting procedures.

VI. CITIZEN COMMENT ON UNSCHEDULED MATTERS

Mr. Brennan Keene commented on discussions about the Proposed Code Amendment Relative to Height of Church Steeples. He noted that his request for the Commission to study this issue stemmed from his church's desire for a taller steeple and not housing for the cellular equipment.

VII. PUBLIC HEARING.

• REQUESTS FOR WITHDRAWAL/DEFERRALS BY APPLICANTS.

08SN0277: In Clover Hill Magisterial District, **INVISIBLE TOWERS, LLC** withdrew request for an amendment to Conditional Use Planned Development (Case 07SN0350) and amendment of zoning district map to permit a communications tower in a Residential (R-7) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 2.2 units per acre or less. This request lies on 0.3 acres fronting approximately 20 feet on the north line of Brandermill Parkway, across from Timber Ridge Road. Tax ID 729-684-Part of 4838.

Mr. Mike Farris, the applicant's representative, withdrew Case 08SN0277.

There was no opposition to the withdrawal.

On motion of Mr. Gulley, seconded by Mr. Hassen, the Commission acknowledged withdrawal of Case 08SN0277.

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller.

08SN0105: In Clover Hill Magisterial District, **STYLECRAFT HOMES DEVELOPMENT CORP.** requested deferral of consideration of rezoning and amendment of zoning district map from Neighborhood Business (C-2) and Community Business (C-3) to Community Business (C-3) with Conditional Use to permit multifamily and townhouse uses on 15.5 acres plus Conditional Use Planned Development to permit exceptions to Ordinance requirements on the entire 20.6 acres. The density of such amendment will be

controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for general commercial and light industrial uses. This request fronts approximately 740 feet on the south line of Midlothian Turnpike approximately 150 feet west of Tuxford Road. Tax ID 751-706-3789.

Mr. Bass declared a conflict of interest due to a business association with the property owner.

Mr. Larry Horton, applicant's representative, requested deferral of Case 08SN0105 to the October 21, 2008, Planning Commission public hearing.

Mr. David Robinson, President Shenandoah Community Association, spoke in favor of the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Gulley, seconded by Mr. Waller, the Commission resolved to defer Case 08SN0105 to the October 21, 2008 at applicant request.

AYES: Messrs. Gulley, Brown, Hassen and Waller.

ABSENT: Mr. Bass

08SN0249: In Clover Hill Magisterial District, **HERITAGE SIGNS** requested deferral of consideration of amendment to Conditional Use Planned Development (Case 03SN0132) and amendment of zoning district map relative to freestanding signage. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for office use. This request lies in a Light Industrial (I-1) District on 10.8 acres and is known as 10531 and 10601 Midlothian Turnpike. Tax IDs 746-708-1182 and 746-709-2712.

Mr. Jason Nelson, applicant, requested deferral of Case 08SN0249 to the October 21, 2008, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Gulley, seconded by Mr. Waller, the Commission resolved to defer Case 08SN0249 to the October 21, 2008, Planning Commission public hearing.

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller.

- **REQUESTS FOR DEFERRAL BY PLANNING COMMISSIONERS.**

08SN0256: In Bermuda Magisterial District, **KECK TRUST AND NINA V. SHOOSMITH ET ALS** requested rezoning and amendment of zoning district map from Agricultural (A) and Light Industrial (I-1) to Heavy Industrial (I-3). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for light industrial/industrial uses. This request lies on 167 acres fronting approximately 1050 feet on the south line of Bermuda Hundred Road approximately 1130 feet northwest of Allied Road. Tax IDs 828-649-7372; 829-650-8343; 830-649-1629; and 830-650-4043.

Mr. Courtney Wells, the applicant's representative, accepted deferral of Case 08SN0256 by Mr. Hassen to the September 16, 2008, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at Mr. Hassen's request.

On motion of Mr. Hassen, seconded by Dr. Brown, the Commission, on their own motion, resolved to defer Case 08SN0256 to September 16, 2008, Planning Commission public hearing.

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller.

08SN0285: In Bermuda Magisterial District, **EMERSON-ROPER COMPANIES, LLC** requested rezoning and amendment of zoning district map from Agricultural (A) to Community Business (C-3) with Conditional Use to permit multifamily use plus Conditional Use Planned Development to permit exceptions to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for neighborhood mixed use uses. This request lies on 5.0 acres fronting approximately 290 feet on the north line of Chester Village Drive across from Village Creek Drive. Tax ID 787-657-6225.

Ms. Carrie Coyner, applicant's representative, accepted deferral of Case 08SN0285 by Mr. Hassen to the September 16, 2008, Planning Commission public hearing.

No one came forward in opposition.

The following motion was made at Mr. Hassen's request.

On motion of Mr. Hassen, seconded by Mr. Bass, the Commission, on their own motion, resolved to defer Case 08SN0256 to the September 16, 2008, Planning Commission public hearing.

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller.

- **CASES WHERE THE APPLICANTS ACCEPT THE RECOMMENDATION AND THERE IS NO PUBLIC OPPOSITION.**

08SN0217: In Dale Magisterial District, **SPENCER BROTHERS, INC.** requests rezoning and amendment of zoning district map from Agricultural (A) to Neighborhood Business (C-2) of 8.9 acres and Heavy Industrial (I-3) with Conditional Use of 6.4 acres to permit petroleum products or fuel distribution with storage in excess of 50,000 gallons of liquid or cubic feet of gas. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for community mixed use uses. This request lies on 15.3 acres fronting approximately 860 feet on the east line of Iron Bridge Road approximately 1870 feet south of Kingsland Road. Tax IDs 771-672-6776 and 7237.

Mr. Andy Scherzer, the applicant's representative, accepted staff's recommendation.

There was opposition present; therefore, it was the consensus of the Commission to place Case 08SN0217 with those cases requiring discussion.

08SN0240: In Clover Hill Magisterial District, **SUPER RADIATOR LTD PARTNERSHIP** requests rezoning and amendment of zoning district map from Agricultural (A) to Light Industrial (I-1) of 9.6 acres plus proffered conditions on an existing 0.8 acre tract zoned Light Industrial (I-1). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for light industrial and office/residential mixed use. This request lies on 10.4 acres fronting approximately 210 feet on the east line of Branchway Road, also fronting approximately 480 feet on the east line of North Courthouse Road, across from Edenberry Drive. Tax IDs 742-705-4670, 5949 and 9954.

Mr. Andy Scherzer, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Gulley, seconded by Mr. Hassen, the Commission resolved to recommend approval of Case 08SN0240 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

1. Utilities. The public waste water system shall be used. (U)
2. Timbering. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices installed. (EE)
3. Access. Direct vehicular access from the property to Courthouse Road shall be prohibited. (T)
4. Uses.
 - A. Uses to a depth of approximately two hundred fifty (250) feet from the Courthouse Road frontage shall be limited to Corporate Office (O-2) District uses.
 - B.
 - C. The following uses shall be prohibited:
 - 1) Group care facilities.
 - 2) Massage clinics.
 - 3) Public or private parks, playgrounds and/or athletics fields.
 - 4) Satellite dishes.
 - 5) Communication towers.
 - 6) A dwelling unit for the owner/operator of the business located on the property.
 - 7) Funeral homes or mortuaries.
 - 8) Hospitals.
 - 9) Vehicle storage yards. (P)
5. Drainage. Post development drainage shall be retained on site at the 50 year post development rate and released at the 10 year pre development rate. (EE)

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller.

08SN0242: In Clover Hill Magisterial District, **OLD DOMINION TIRE SERVICES INC.** requests rezoning and amendment of zoning district map from Agricultural (A) and Light Industrial (I-1) to General Industrial (I-2) with Conditional Use to permit General Business (C-5) uses. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for light industrial use. This request lies on 7.1 acres fronting approximately 350 feet on the east line of Warbro Road approximately 1230 feet south of Genito Road. Tax IDs 736-686-6097 and 736-687-9003.

Mr. Andy Scherzer, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Gulley, seconded by Mr. Waller, the Commission resolved to recommend approval of Case 08SN0242 and acceptance of the following proffered condition:

PROFFERED CONDITIONS

1. Uses. The following uses shall be permitted:
 - A. Except for the Light Industrial (I-1) uses below which shall be prohibited, uses permitted by right or with restrictions in the Light Industrial (I-1) District:
 - 1) Converting paper to paperboard products, paperboard containers and boxes.
 - 2) Moving companies, to include, but not limited to, households and businesses.
 - 3) Paper recycling by the compaction method.
 - 4) Recycling and processing of any material permitted to be manufactured in this district.
 - 5) Wholesale greenhouses, hot houses and nurseries provided that nothing except plant materials is stored outside of a completely enclosed building.
 - B. Contractor's offices, shops, and storage yards.
 - C. Storage yards.
 - D. Tire recapping and vulcanizing establishments.
 - E. Farm implements and machinery service and repair establishments,
 - F. Travel trailer service and repair,
 - G. Public garages,
 - H. Utility trailer service and repair. (P)
2. Outside Storage. Outside storage areas shall be screened from any internal private roads. Screening shall be accomplished by the use of durable opaque fences and gates constructed of masonry pillars with solid sections made of comparable materials to the principal building and using a design compatible to the principal building. (P)

(Note: This requirement is in addition to the screening requirements of the Zoning Ordinance.)

3. Freestanding Light Fixtures. Freestanding light fixtures shall not exceed a height of twenty (20) feet measured from the top of curb. (P)
4. Building Exteriors. Each building exterior (all sides) shall be constructed with an adorned Concrete Masonry Unit (CMU), brick or metal with an Exterior Insulation Finishing System (EIFS) finish for a height of eight (8) feet measured from ground elevation (excluding openings for doors, windows or similar features). Any building exterior which faces an unscreened outside storage or loading area on an adjacent property, which faces an on-site outside storage area serving the subject building that is screened in accordance with Proffered Condition 2, or any building exterior that is deemed to be adequately screened due to, but not limited to, topography, vegetation or similar features shall not be required to be constructed of the above materials provided the architectural treatment of the side otherwise complies with the Zoning Ordinance. (P)

(Note: This requirement is in addition to the architectural requirements of the Zoning Ordinance.)
5. Notification. The developer shall be responsible for notifying the last known representative of Plum Creek Subdivision of the submission of any site plan within the development. Such notification shall occur at least twenty-one (21) days prior to the approval of such plans. The developer shall provide the Planning Department with a copy of the notice. (P)
6. Timbering. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices installed. (EE)
7. Road Improvements. In conjunction with any development or redevelopment on the property, as determined by the Transportation Department, the developer shall construct additional pavement along Warbro Road at the existing entrance/exit to provide a left turn lane, and dedicate any additional right of way (or easements) required for this improvement. In the event the developer is unable to acquire any "off-site" right-of-way that is necessary for this improvement, the developer may request, in writing, that the County acquire such right-of-way as a public road improvement. All costs associated with the acquisition of the right-of-way shall be borne by the developer. In the event the County chooses not to assist the developer in acquisition of the "off-site" right-of-way, the developer shall be relieved of the obligation to acquire the "off-site" right-of-way and shall provide the road improvements within available right-of-way, as determined by the Transportation Department. (T)
8. Access. Direct vehicular access from the property to Warbro Road shall be limited to the existing entrance/exit. The exact location of this access shall be approved by the Transportation Department. (T)
9. Utilities. Public water and wastewater systems shall be used. (U)

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller.

08SN0258: In Bermuda Magisterial District, **CHARLES P. PHELPS AND SANDRA L. ULLOA** request rezoning and amendment of zoning district map from Residential (R-7) to Neighborhood Office (O-1). The

density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for office/residential mixed use. This request lies on 0.5 acres and is known as 3600 Gill Street. Tax ID 792-656-5119.

Mr. Charles P. Phelps, the applicant, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Hassen, seconded by Dr. Brown, the Commission resolved to recommend approval of Case 08SN0258 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

1. Prior to any site plan approval or within sixty (60) days from the date of a written request by the Transportation Department, whichever occurs first, forty-five (45) feet of right-of-way on the south side of West Hundred Road (Route 10), measured from the centerline of that part of Route 10 immediately adjacent to the property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)
2. No direct vehicular access shall be provided from the property to Route 10. (T)

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller.

08SN0269: In Bermuda Magisterial District, **CHESTERFIELD COUNTY BOARD OF SUPERVISORS** proposes a Conditional Use Planned Development and amendment of zoning district map to permit exceptions to Ordinance requirements relative to setbacks for structures open on three (3) sides. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for community commercial/mixed use corridor use. This request lies in a Manufactured Home Subdivision (MH-2) District on 91.2 acres to include all lots within the boundaries of the Millside Manufactured Home Subdivision plus Tax IDs 802-628-1812 and 802-629-5207 lying east of the Seaboard Coast Line Railroad, across from Pine Forest Drive.

Mr. Kirk Turner, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Hassen, seconded by Mr. Bass, the Commission resolved to recommend approval of Case 08SN0252 subject to the following condition:

CONDITION

Setback requirements shall not apply to structures open on at least three (3) sides. (P)

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller.

08SN0275: In Bermuda Magisterial District, **NEW CINGULAR WIRELESS PCS, LLC (AT&T)** requests Conditional Use and amendment of zoning district map to permit a communications tower in an Agricultural (A) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for industrial use. This request

lies on 5.8 acres fronting approximately 440 feet on the east line of Allied Road approximately 120 feet north of East Hundred Road. Tax ID 829-643-Part of 1520.

Mr. Brennan Keene, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Hassen, seconded by Dr. Brown, the Commission resolved to recommend approval of Case 08SN0275 subject to the following conditions and acceptance of the following proffered conditions:

CONDITIONS

1. The tower shall be located as depicted on the Overall Site Plan entitled RI602A Bermuda, prepared by Allpro Consulting Group, Inc., with a final revision date of May 9, 2008 and submitted with the application. (P)
2. There shall be no signs permitted to identify this use. (P)
3. The color and lighting system for the tower shall be as follows:
 - a. The tower shall be gray or another neutral color, acceptable to the Planning Department.
 - b. The tower shall not be lighted.
 - c. The tower shall be a monopole structure. (P)
4. At such time that the tower ceases to be used for communications purposes for a period exceeding twelve (12) consecutive months, the owner/developer shall dismantle and remove the tower and all associated equipment from the property. (P)

PROFFERED CONDITIONS

The Owner and Developer in this request for a conditional use planned development ("CUPD"), pursuant to §15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for themselves and their respective successors or assigns, proffer that the development of the property known as part of Chesterfield County Tax Identification Number 829-643-1520 (the "Property") under consideration will be developed according to the following conditions if, and only if, the CUPD to construct a telecommunications tower on the Property is granted. In the event the request is denied or approved with conditions not agreed to by the Developer, the proffers and conditions shall immediately be null and void and of no further force or effect.

1. Tree Preservation Area. The base of the tower shall be enclosed by a minimum six (6) foot high fence, designed to preclude trespassing. A minimum 100-foot area of mature trees shall be preserved outside of, and adjacent to, the compound, on the north, south and west sides of the compound. A detailed plan depicting these requirements shall be submitted to the Planning Department for approval in conjunction with final site plan review. So long as such area is required, no trees within the area shall be removed unless such trees are dead, diseased, or dying. (P)

2. Architectural Treatment and Screening. Any ground-based building or mechanical equipment shall comply with Sections 19-595 and 19-570 (b) and (c) of the Zoning Ordinance relative to architectural treatment of building exteriors and screening of mechanical equipment for views into the compound from the north, south and west sides of the compound, except screening shall not be required for the tower or tower-mounted equipment. (P)

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller.

08SN0276: In Bermuda Magisterial District, **INVISIBLE TOWERS, LLC** requests Conditional Use and amendment of zoning district map to permit a communications tower in an Agricultural (A) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 1.5 dwellings per acre or less. This request lies on 8.2 acres and is known as 13028 Harrowgate Road. Tax ID 788-647-9084.

Mr. Van Thompson, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Hassen, seconded by Dr. Brown, the Commission resolved to recommend approval of Case 08SN0276 subject to the following conditions:

CONDITIONS

1. The tower shall be located as depicted on a survey and site plan submitted with the application entitled Happy Hill Rawland Monopine, prepared by Clark Nexsen Architecture & Engineering and with a "County Submittal" date of May 29, 2008. (P)
2. The base of the tower shall be enclosed by a minimum six (6) foot high fence, designed to preclude trespassing. A minimum 100-foot area of mature trees shall be preserved outside of, and adjacent to, the compound on the northwest side of the compound. In addition, all mature trees within the area between the compound and the southwest property line, as depicted on the plan referenced in Condition 1 shall be preserved. This condition does not preclude the removal of any vegetation that is dead, diseased or dying. A detailed plan depicting these requirements shall be submitted to the Planning Department for approval. (P)
3. The color, design and lighting system for the tower shall be as follows:
 - a. The tower color shall blend with surrounding vegetation, as acceptable to the Planning Department.
 - b. The tower shall not be lighted.
 - c. The tower shall be a monopine/treepole structure. (P)
4. Any building or mechanical equipment shall comply with Sections 19-595 and 19-570 (b) and (c) of the Zoning Ordinance relative to architectural treatment of building exteriors and screening of mechanical equipment. (P)

(NOTE: Section 19-570 (b) and (c) would require the screening of mechanical equipment located on the building or ground from adjacent properties and public rights of way. Screening would not be required for the tower or tower-mounted equipment.)

5. The tower shall not exceed a height of 128 feet. (P)
6. There shall be no signs permitted to identify this use. (P)
7. At such time that the tower ceases to be used for communications purposes for a period exceeding twelve (12) consecutive months, the owner/developer shall dismantle and remove the tower and all associated equipment from the property. (P)

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller.

08SN0278: In Midlothian Magisterial District, **GRTC TRANSIT SYSTEM, JOHN LEWIS** requests Conditional Use and amendment of zoning district map to permit a park and ride lot in a Residential (R-15) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for medium density residential and public/semi-public use. This request lies on 12.0 acres fronting approximately 800 feet on the west line of Forest Hill Avenue; approximately 630 feet on the east line of Buford Road and also fronting approximately 530 feet on the south line of Choctaw Road. Tax ID 755-718-6295.

Mr. John Lewis, the applicant, accepted staff's recommendation.

Ms. Nancy Ford and Mr. Will Overstreet spoke in favor of the request.

On motion of Mr. Waller, seconded by Dr. Brown, the Commission resolved to recommend approval of Case 08SN0278 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

1. Park and ride lot users shall board and exit the buses from the Choctaw Road frontage. There shall be no boarding or exiting buses from the Forest Hill Avenue or Buford Road frontages. (P)
2. No parking by park and ride lot users shall be permitted within any parking isle directly adjacent to any lot zoned for residential use. (P)

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller.

08SN0279: In Midlothian Magisterial District, **LEPORTON, LLC** requests rezoning and amendment of zoning district map from Residential (R-7) to Corporate Office (O-2) with Conditional Use to permit restaurant use. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for village area fringe uses. This request lies on 0.7 acres lying approximately 200 feet off the north line of Midlothian Turnpike approximately 360 feet west of Village Mill Drive. Tax ID 727-708-6582.

Mr. Javier Ornelas, the applicant's representative, accepted staff's recommendation.

Mr. Peppy Jones, Village of Midlothian Coalition, spoke in favor of the application.

On motion of Mr. Waller, seconded by Dr. Brown, the Commission resolved to recommend approval of Case 08SN0279 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

The property owner/applicant in this rezoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for themselves and their successors or assigns, proffer that the property under consideration will be developed according to the following proffers if, and only if, the rezoning request submitted herewith is granted with only those conditions agreed to by the owner/applicant. In the event this request is denied or approved with conditions not agreed to by the owner and applicant, the proffers shall immediately be null and void and of no further force or effect.

1. Architecture. The architectural treatment of buildings constructed on the Property shall be consistent with American Colonial Architecture as defined by the Sycamore Square development. (P)
2. Notification. The developer shall be responsible for notifying by registered, certified or first class mail, the last known representative on file with the Planning Department of the Village of Midlothian Volunteer Coalition of any site plan. Such notification shall occur as soon as practical, but in no event less than twenty-one (21) days prior to approval or disapproval of the plan. The developer shall provide a copy of the notification letter(s) to the Planning Department. (P)
3. Street Lights. The developer shall be responsible for the installation of decorative street lighting similar in design to the light fixture specified in the Midlothian Village Technical Manual which shall be provided along all public roads adjacent to the site. Spacing shall be eighty (80) feet on center. All on-site freestanding street light fixtures shall be compatible with the aforementioned street lights. (P)
4. Utilities. The public waste water system shall be used. (U)
5. Timbering. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices installed. (EE)
6. Uses. Uses shall be limited to those uses permitted by right or with restrictions in the Corporate Office (O-2) district plus restaurant use, excluding carry out or fast food restaurants. (P)
7. Hours of Operation. Restaurant uses shall not be open to the public between 11 p.m. and 6 a.m. (P)
8. Vehicular Lights. The development shall be designed so as to minimize vehicular headlights from shining into adjacent residential properties to the north. The exact treatment shall be approved by the Planning Department in conjunction with site plan review. (P)

9. Restaurant Uses. No building housing a restaurant use shall be located within 400 feet of the northern property boundary. (P)

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller.

08SN0280: In Bermuda Magisterial District, **MILES & WELLS PARTNERSHIP AND BURGESS & NIPLE, INC.** request rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-25). Residential use of up to 1.74 units per acre is permitted in a Residential (R-25) District. The Comprehensive Plan suggests the property is appropriate for residential use of 1.5 dwellings per acre or less. This request lies on 1.0 acres lying approximately 160 feet off the south line of Chalkley Road approximately 540 feet west of Michmar Drive. Tax ID 782-659-2485.

Mr. Will Shewmake, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Hassen, seconded by Mr. Bass, the Commission resolved to recommend approval of Case 08SN0280 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

1. The applicant, subdivider, or assignee(s) shall pay the following to the County of Chesterfield, prior to the issuance of a building permit, for infrastructure improvements within the service district for the property:
 - a. \$18,080 per dwelling unit, if paid prior to July 1, 2009; or
 - b. If paid after June 30, 2009, \$18,080.00 adjusted annually in accordance with the cash proffer policy.

Cash proffer payments shall be spent for the purposes proffered or as otherwise permitted by law. (B&M)
2. The public water and wastewater systems shall be used. (U)
3. The maximum density on the subject property shall not exceed 1.5 dwelling units per acre. (P)

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller.

08PD0372: In Dale Magisterial District, **CHESTERFIELD COUNTY PARKS AND RECREATION** requests Substantial Accord Determination and amendment of zoning district map on 3.6 acres to permit public park use and amendment to Substantial Accord Determination (Case 04PD0126) to permit active recreational uses on 11.5 acres. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 2.51 to 4.0 units per acre or less. This request lies in Agricultural (A) and Corporate Office (O-2) Districts on 15.1 acres fronting approximately 130 feet on the west line of Ridgedale Parkway approximately 3600 feet northwest of

Iron Bridge Road. Tax IDs 773-688-Part of 0410 and 774-689-Part of 6684.

Mr. Mike Golden, the applicant's representative, accepted staff's recommendation.

There was opposition present; therefore, it was the consensus of the Commission to place Case 08PD0372 with those cases requiring discussion.

08SN0217: In Dale Magisterial District, **SPENCER BROTHERS, INC.** requests rezoning and amendment of zoning district map from Agricultural (A) to Neighborhood Business (C-2) of 8.9 acres and Heavy Industrial (I-3) with Conditional Use of 6.4 acres to permit petroleum products or fuel distribution with storage in excess of 50,000 gallons of liquid or cubic feet of gas. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for community mixed use uses. This request lies on 15.3 acres fronting approximately 860 feet on the east line of Iron Bridge Road approximately 1870 feet south of Kingsland Road. Tax IDs 771-672-6776 and 7237.

Ms. Darla Orr, presented an overview of, recommendation of approval noting the Central Area Plan suggests the property is appropriate for community-scale mixed uses to include commercial, office and higher density residential uses.

Mr. Andy Scherzer, the applicant's representative accepted staff's recommendation.

Mr. Gulley opened the floor for public comments.

Mr. David Cosby and Ms. Betty Taylor expressed concerns about potential fire hazards; landscaping; and berming within required buffers; and contamination of the adjacent property.

Mr. Scherzer expressed willingness to address Ms. Taylor's concerns.

Mr. Gulley closed the public comments.

Dr. Brown stated staff assured him safety and environmental protections were in place and that the development would be required to meet stringent security regulations.

On motion of Dr. Brown, seconded by Mr. Waller, the Commission resolved to recommend approval of Case 08SN0217 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

1. Utilities. All uses shall be connected to the public waste water system with the exception of one warehouse building located on the Heavy Industrial I-3 portion of the subject property shall be permitted to develop on a septic system, subject to Health Department regulations. At such time as public wastewater service has been extended and is available to the remainder of the property, the warehouse shall be connected to the public waste water system. (U)
2. Timbering. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental

Engineering Department and the approved devices installed. (EE)

3. Access. Direct vehicular access from the property to Ironbridge Road (Route 10) shall be limited to one (1) entrance/exit. The exact location of this access shall be approved by the Transportation Department. (T)
4. Right of Way Dedication. Prior to any site plan approval or within sixty (60) days of a written request by the Transportation Department, whichever occurs first, one hundred (100) feet of right of way on the east side of Route 10, measured from the centerline of the roadway immediately adjacent to the property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)
5. Road Improvements. The developer shall be responsible for the following road improvements:
 - A. Construction of an additional lane of pavement along Route 10 for the entire property frontage;
 - B. Construction of additional pavement along the northbound lanes of Route 10 at the approved access to provide a separate right turn lane;
 - C. Construction of additional pavement along the northbound lanes of Route 10 at the Quaiff Lane intersection to provide a separate right turn lane;
 - D. Full cost of traffic signalization of the intersection of Route 10 and Quaiff Lane, if warranted as determined by the Transportation Department.
 - E. Dedication to Chesterfield County, free and unrestricted, any additional right-of-way (or easements) required for the improvements identified above. In the event the developer is unable to acquire any "off-site" right-of-way that is necessary for any improvement described in Proffered Condition 5, the developer may request, in writing, that the County acquire such right-of-way as a public road improvement. All costs associated with the acquisition of the right-of-way shall be borne by the developer. In the event the County chooses not to assist the developer in acquisition of the "off-site" right-of-way, the developer shall be relieved of the obligation to acquire the "off-site" right-of-way and shall provide the road improvements within available right-of-way, as determined by the Transportation Department. (T)
6. Phasing Plan. Prior to any site plan approval a phasing plan for the required road improvements, as identified in Proffered Condition 5, shall be submitted to and approved by the Transportation Department. The approved phasing plan shall require, among other things, that prior to issuance of any occupancy permit with initial development, the road improvements as identified in proffered condition 5A and 5C shall be completed as determined by the Transportation Department. (T)
7. Uses. Permitted uses shall be as follows:

- A. Within the portion of the property zoned Heavy Industrial (I-3), permitted uses shall be limited to petroleum products or fuel (gas or liquid distribution) not to exceed 140,000 gallons of liquid and 90,000 gallons of propane.
 - B. Within the portion of the property zoned Neighborhood Business (C-2), permitted uses shall be limited to uses permitted by right or with restrictions in the Neighborhood Business (C-2) District, except that gasoline/fuel sales shall be prohibited. (P)
- 8. Outside Storage Within the portion of the property zoned Heavy Industrial (I-3), outside storage shall be permitted provided that:
 - A. Outside storage is limited to company vehicles, individual propane tank storage, a maximum of three (3) above ground bulk fuel/gas storage tanks, and a maximum of seven (7) below ground bulk fuel/gas storage tanks. Trailers shall not be permitted to be used for storage.
 - B. Outside storage shall be limited to a maximum area of 80,000 square feet located generally in the southeast corner of the request property. The exact location shall be approved by the Planning Department at the time of site plan review.
 - C. Screening of outside storage areas shall be compatible with screening on Tax ID #772-673-4300. (P)

(Note: This condition is in addition to the screening requirements of the Zoning Ordinance.)

- 9. Architecture. Buildings and materials shall be compatible with the development on Tax ID #772-673-4300. (P)

(Note: This condition is in addition to the architectural requirements of the Zoning Ordinance)

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller.

08PD0372: In Dale Magisterial District, **CHESTERFIELD COUNTY PARKS AND RECREATION** requests Substantial Accord Determination and amendment of zoning district map on 3.6 acres to permit public park use and amendment to Substantial Accord Determination (Case 04PD0126) to permit active recreational uses on 11.5 acres. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 2.51 to 4.0 units per acre or less. This request lies in Agricultural (A) and Corporate Office (O-2) Districts on 15.1 acres fronting approximately 130 feet on the west line of Ridgedale Parkway approximately 3600 feet northwest of Iron Bridge Road. Tax IDs 773-688-Part of 0410 and 774-689-Part of 6684.

Ms. Darla Orr, presented an overview, and staff recommendation of approval noting the proposed additional parkland was in substantial accord with the Plan in 2003; will help lessen the deficit in community parkland; support a partnership with the private sports facility planned on adjacent property; and improve access for the planned park. The recommendation include staff's recommendation for approval of the amendment to

Substantial Accord (Case 04PD0126) to delete Conditions 2, 3 and 4 relative to access and Conditions 5 and 6 relative to park use and lighting.

Mr. Mike Golden, the applicant's representative, accepted staff's recommendation and noted the project was a great economic value to the county.

Mr. Gulley opened the floor for public comments.

Mr. Rajas Vatel questioned the effectiveness of the 300 foot buffer which consisted of a slope; the need for two (2) soccer fields; and the effect of the runoff to the stream.

Mr. Johnnie Crawford expressed concern that notifications of meetings were not distributed to adjacent property owners; and suggested an alternative location for the proposal.

Messrs. David Mince and Ivan Alexander expressed concerns of increased traffic and safety hazards; lack of parking; environmental concerns; drainage back into the stream; and suggested relocation of the proposed improvements.

There being no one else to speak, Mr. Gulley closed the public comment.

Mr. Golden responded to questions relative to the lighting; cost and timing of the project. He stated that the Department of Environmental Engineering was supportive of the application.

Following discussions, on motion of Dr. Brown, seconded by Mr. Waller, the Commission found Case 08PD0372 for a proposed public park uses (expansion of the planned Falling Creek North Park) and amendment to Case 04PF0126 to permit active recreational uses to be in Substantial Accord with the Comprehensive Plan subject to the following conditions and one (1) additional condition that the field lights will be turned off nightly no later than 10:00 p.m.:

CONDITIONS

1. All vehicular access for development of the property included in this case shall be limited to Ridgedale Parkway. (T)
2. Except for one (1) trail to connect the uses on the request property to other park uses within the planned park to the south, a 300 foot setback shall be provided from the western property boundary. (P)
3. Development shall conform to the following requirements, as determined by the Environmental Engineering Department, to minimize impacts to Falling Creek and surrounding properties:
 - A. The roadway, parking and play fields shall be designed and developed as one (1) project with no phased construction permitted.
 - B. Super silt fence shall be used in lieu of standard silt fence as part of the erosion and sediment control measures installed.
 - C. Stormwater run-off shall be routed through Best Management Practice (BMP) device(s).

- D. Concentrated storm-water discharge outfalls shall be limited to a maximum of two (2).
(EE)

(Staff Note: This condition is in addition to local, state and federal regulations relative to erosion control and stormwater management.)

4. The park entrance shall be gated and locked when the park is closed. (P&R)
5. Signs shall be placed on the property identifying park rules and hours of operation. Signs shall also be placed at various points along the boundary of the park to identify the end of park property. Signs shall be designed and located as determined appropriate by the Parks and Recreation Department. (P&R)
6. All lighting for playfields shall be turned off no later than 10:00 p.m. (P&R)

(Staff Note: This condition is in addition to Ordinance requirements relative to signs and does not permit signage which does not comply with the Ordinance.)

(Staff note: With the approval of this case, Conditions 2, 3, 4, 5 and 6 of Case 04PD0126 shall be deleted for the request property only. All other conditions of Case 04PD0126 shall remain in force and effect.)

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller.

08SN0216: In Bermuda Magisterial District, **JEFFREY D. CLARK** requests Conditional Use and amendment of zoning district map to permit a business (construction bonding/insurance office) incidental to a dwelling unit in a Residential (R-15) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 2.51-4.0 units per acre. This request lies on 0.4 acres and is known as 13403 Burnettedale Drive. Tax ID 789-645-2789.

Ms. Darla Orr presented an overview of the request and staff's recommendation for denial noting the proposed land uses do not conform to the Southern and Western Area Plan which suggests the property is appropriate for residential uses and was incompatible with the existing and anticipated area development.

Ms. Carrie Coyner, the applicant's representative, submitted a petition which contained signatures of homeowners in the neighborhood who supported the request. She added this request would not increase neighborhood traffic and that the homeowner obtained a business license in 1999.

Mr. Gulley opened the floor for public comments.

Ms. Virjary Soutrgorl expressed concerns of increase traffic; safety; abundance of outside lighting; decrease in property value; and prohibition of the proposed use as outlined in the neighborhood's by-laws.

In rebuttal, Ms. Coyner stated that the outside lighting was equivalent to normal security lighting and the property value had increased based on the resident's improvements.

Mr. Hassen stated a majority of area property owners supported the request. He added that the use was appropriate since the property was not in the middle of the subdivision and as conditioned, there was no evidence the property was used as a business.

On motion of Mr. Hassen, seconded by Dr. Brown, the Commission resolved to recommend approval of Case 08SN0126 and acceptance of the following proffers conditions:

PROFFERED CONDITIONS

The Owner-Applicant in this zoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for itself and its successors or assigns, proffers that the property known as Chesterfield County Tax ID 789-645-2789 will be used for business purposes as set forth below; however, in the event the request is denied or approved with conditions not agreed to by the Owner-Applicant, these proffers and conditions shall be immediately null and void and of no further force or effect. The Applicant hereby makes the following Proffered Conditions:

1. This Conditional Use shall be granted to and for Jeffrey D. Clark, exclusively and shall not be transferable or run with the land. (P)
2. This Conditional Use shall be limited to the operation of a bonding business, exclusively with a maximum of three (3) employees excluding the applicant. (P)
3. There shall be no signs permitted to identify this use. (P)
4. No deliveries shall be permitted before 8:00am or after 6:00pm. (P)
5. Hours of operation shall be restricted to between 8:00am and 6:00pm, Monday through Friday. (P)

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller.

08SN0274: In Matoaca Magisterial District, **GLENN WHITE** requests Conditional Use and amendment of zoning district map to permit mulch sales in an Agricultural (A) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for office/residential mixed use. This request lies on 1.3 acres and is located in the northwest quadrant of the intersection of Hull Street and Cosby Roads. Tax ID 716-671-Part of 6919.

Dr. Brown exited the meeting at 7:56p.m.

Ms. Jane Peterson presented an overview of the request and staff's recommendation for denial the proposed land use does not conform to the Upper Swift Creek Plan; was not representative of, nor compatible with, existing and anticipated area development; the request failed to address transportation concerns relative to right of way dedication and access limitation along Hull Street Road; and proffered conditions, as written, are unclear and unenforceable.

Dr. Brown reentered the meeting at 8:00 p.m.

Ms. Carrie Coyner, the applicant's representative, noted the request is only for a temporary use; there were no calls of opposition; and the applicant offered proffers to minimize the views of mulch storage from the major highways.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Bass, seconded by Mr. Hassen, the Commission resolved to recommend approval of Case 08SN0274 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

The Applicant in this zoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for itself and its successors or assigns, proffers that the development of the property known as Chesterfield County Tax ID 716-671-6919 will be developed as set forth below; however, in the event the request is denied or approved with conditions not agreed to by the Applicant, these proffers and conditions shall be immediately null and void and of no further force or effect.

1. This Conditional Use shall be granted for a period not to exceed thirty-six (36) months from date of approval and shall not be transferable or run with the land. (P)
2. This Conditional Use shall be limited to the sale of mulch, exclusively. (P)
3. The use shall not be open to the public between 6:00 p.m. and 8:00 a.m. (P)
4. There shall be no additional buildings erected on the property for this use. (P)
5. There shall be no direct vehicular access to Hull Street Road. (T)
6. Views of the mulch storage areas from Hull Street Road shall be minimized with the installation of Perimeter Landscaping C incorporating: 1) a single row of large evergreen trees planted ten (10) feet on center with a minimum height of six (6) feet at time of planting and 2) a decorative three rail fence a minimum of four feet in height. (P)
7. Views of the mulch storage areas from Cosby Road shall be screened with the installation of a privacy fence, a minimum of six (6) feet in height. (P)
8. A landscape plan depicting the requirements of Proffered Conditions 6 and 7 shall be submitted to the Planning Department within forty-five (45) days of approval of the Conditional Use. The execution of this approved plan shall occur no later than Fall, 2008. (P)

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller.

08SN0224: In Midlothian Magisterial District, **HERITAGE SIGNS INC.** requests Conditional Use Planned Development and amendment of zoning district map to permit a computer-controlled, variable message, electronic sign and to permit exception to Ordinance requirements relative to sign height. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for light industrial use. This request lies in a Corporate Office (O-2) District on 0.6 acres and is known as 1231 Gateway Centre Parkway. Tax ID 757-705-3156.

Mr. Robert Clay presented an overview, and staff's recommendation of denial noting the proposed computer-controlled, variable message, electronic sign did not conform to the adopted Electronic Message Center Policy relative to spacing between such signs, color and copy of movement; and the requested exceptions to the Policy and the height limitation for freestanding signs could set a precedent for similar requests.

Mr. Jason Dawson, the applicant, did not accept staff's recommendation and noted the proposed sign is in compliance with the Ordinance requirements with the exception of height.

Mr. Gulley opened the floor for public discussion.

Mr. David Durett spoke in favor of the request and commented that a variety of signs were located on Midlothian Turnpike and within a distance of 1.3 miles, other businesses were using electronic signs taller than the proposed sign.

There being no one else to speak, Mr. Gulley closed the public comments.

Mr. Waller indicated that he was not in a position to support the application as requested, but could support an electronic sign limiting the height to that permitted by the Ordinance and presented conditions relative to the request.

Mr. Dawson indicated that Heritage Signs accepted Mr. Waller's condition with the exception of the limitation to the height.

On motion of Mr. Waller, seconded by Mr. Hassen, the Commission resolved to recommend approval of Case 08SN0224 subject to the following conditions and that the condition and proffered conditions contained in the staff report not be accepted:

CONDITIONS

1. Any freestanding sign incorporating a computer-controlled variable-message electronic sign shall not exceed a height of fifteen (15) feet. (P)
2. Any computer-controlled variable-message electronic sign shall be subject to the following standards:
 - a. Copy shall be limited to a maximum of two (2) lines which shall not move nor fade;
 - b. The message or display shall be programmed or sequenced to change no more than once every ten (10) seconds;
 - c. The copy display color shall either be red, white or yellow;
 - d. Flashing and traveling messages shall be prohibited; and
 - e. Bijou lighting and animation effects shall be prohibited. (P)

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller.

08SN0243: In Matoaca Magisterial District, **JOHN D. and KIMBERLY W. HUGHES, JR.** request Conditional Use and amendment of zoning district map to permit Community Business (C-3) uses and commercial outdoor recreation plus Conditional Use Planned Development to permit exceptions to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 1-5 acre lots; suited to R-88 zoning. This request lies in an Agricultural (A) District on 8.5 acres located in the northwest quadrant of the intersection of Beach and Spring Run Roads. Tax IDs 745-654-8256 and 746-654-1071.

Ms. Darla Orr, presented an overview of the request, and staff's recommendation for denial noting the proposal failed to provide adequate setbacks and buffers; failed to address transportation concerns relative to clarity and enforcement of proffered conditions; right-of-way dedication, road improvements and access controls.

Mr. Jeff Collins, the applicant's representative, presented an overview of historical designation of the property and asked the Commission to approve the request based on the uniqueness of the property and the dedication of the applicants to renovate the property.

Mr. Gulley opened the floor for public comments.

Messrs. John Hughes, Peter Lapovic, Bill Hastings, John Gallagher and Ms. Frances Bailey spoke in favor of proposal noting the historical aspect of the property; the dedication of the applicants; the uniqueness of the project; the increase of revenue for local business; and the educational and entertainment benefits.

There being no one else to speak, Mr. Gulley closed the public comments.

Mr. Bass stated his support in preserving historic properties and complimented the applicants on the improvements to the property; however, he expressed concern with the impact of commercial development on area roads without adequate setbacks; the right of way dedications; the access control; and the installation of turn lanes.

Messrs. Gulley and Mr. Waller also supported the preservation efforts but expressed concern that transportation issues had not been addressed.

On motion of Mr. Bass, seconded by Mr. Hassen, the Commission resolved to recommend denial of Case 08SN0243.

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller.

07SN0340: In Matoaca Magisterial District, **FRANCIS BEERS** requests rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12). Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for residential use of 1-5 acre lots, suited to R-88 zoning. This request lies on 250.1 acres fronting in two (2) places for approximately 320 feet on the west line of Qualla Road and lying at the northern termini of Springhouse Drive and Belcherwood Road. Tax IDs 740-667-8769; 741-669-3736; 743-668-1461; and 744-668-7309.

Ms. Darla Orr presented an overview of the request, and staff's recommendation for approval noting the applicant's submission of an amendment address staff's concern relative to density and a trail along Swift Creek and that the revised submission which would permit the developer to make off-site road improvements in lieu of a cash contribution toward impacts of the development on the area roads.

Mr. Andy Scherzer, the applicant's representative, presented an overview of the development to include the density; minimum house size; cash proffers; open space; completion of collector road with roundabouts; off-site road improvements; trail easement along Swift Creek; phasing plan for orderly development; and maintaining the existing ponds as BMP.

Mr. Gulley opened the floor for public comments.

Messrs. Terry Cook, Thomas Gann, Douglas Burnett, David Webb, Jeff Horton, Rowland Pieterman and Ms. Beth Gann, Ms. Tracy Papiernik and Ms. Katherine Gonzales gave a presentation that highlighted their concerns as well as the concerns of approximately eighty-eight (88) percent of the residents in Bayhill Pointe Subdivision. The presentation included the negative impact on area schools; increase in crime; unsafe traffic conditions; strain placed on Police, Fire and Emergency Medical Service (EMS) functions; incompatibility with Comprehensive Plan; lack of any similar restrictive covenants; proximity to a landfill; safety; and density.

Messrs. David Billingsley, Vincent Williams, Paul Boatner, Ken Foster, John Barker, Matt Pritchard, Mike Caniglia and Ms. Amanda Chase, Ms. Sarah Faherty, Ms. Kim Burnett, Ms. Stepanie Mong-Williams, Ms. Cathe Holland, Ms. Becky Huddleston and Ms. Heather Madison expressed additional concerns relative to noise; proposed density; location of homes adjacent to landfill area; litter; proposed dwelling sizes; quality of life; and decreased property values.

Recessed at 10:31 p.m.

Reconvened at 10:47 p.m.

Messrs. Walter Marby, Mark May, Derrick Tolman, Matthew Wilcox, Mike Tufano Ms. Bobbie Shelton, Ms. Hysah Hilton, Ms. Kathy Roysner, Ms. Patty Groe, Ms. Janet Luke, Ms. Donna Thomas, Ms. Raven Williams and Mr. and Mrs. Nallis expressed concerns relative to safety; negative impact on area schools; resident's quality of life; increased traffic.

Messrs. Tom Hicks, Donald Woodcock and Ms. Lynn Woodcock and Ms. Joan Volante spoke in support and noted that Battlecreek Drive was designed and built to be extended safely and would provide relief to traffic on other area roads. In addition it was noted that the proposal complies with the Comprehensive Plan and addresses the impact on capital facilities, and that the proposed construction would be phased.

In rebuttal, Mr. Scherzer, responded to issues highlighted by those who spoke in opposition.

There being no one else to speak, Mr. Gulley closed the public comments.

Mr. Bass expressed concerns relative to the uncertainty of boundaries for the prohibited landfill area; residential dwellings adjacent to a landfill; the impact on area schools and capital facilities; increased traffic; and lack of assurance for Bailey Bridge Road improvements. He stated he could not support the case because it was premature given existing infrastructure.

Dr. Brown acknowledged competing interest between rights of property owners to develop property in compliance with current rules.

Mr. Waller commented on the extension of Battlecreek Drive and stated that infrastructure was needed as growth occurred; that the traffic volume would not exceed the plan for the roads; and expressed desire to see the completion of the connectivity to Qualla Road.

Mr. Hassen expressed concerns relative to the actual boundary of the landfill; cut-through traffic; and area road development.

Mr. Gulley commented on the recommendation by the previous Commission for approval to dedicate a portion of the property for landfill uses and voiced concerns relative to residential development adjacent to a landfill; the undefined boundaries of the landfill; and connectivity. He added that the development would possibly be appropriate when infrastructure catches up and the location of the landfill is defined.

On motion of Mr. Bass, seconded by Mr. Hassen, the Commission resolved to recommend denial of Case 07SN0340.

AYES: Messrs. Gulley, Bass and Hassen

NAYS: Messrs. Brown and Waller

On motion of Mr. Bass, seconded by Mr. Hassen, the Commission resolved to recommend denial of the waiver to street connectivity requirements for Belcherwood Road.

AYES: Messrs. Gulley, Bass and Hassen

NAYS: Messrs. Brown and Waller

On motion of Mr. Hassen, seconded by Dr. Brown, the Commission suspended their By-Laws to permit a new case to be called after 11:00 p.m.

Mr. Gulley asked Ms. Nichols to poll the Commissioners and the vote was unanimous.

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller.

07SN0372: (Amended) In Clover Hill Magisterial District, **EWN INVESTMENTS, INC.** requests rezoning and amendment of zoning district map from Community Business (C-3) to Community Business (C-3) plus Conditional Use Planned Development to permit exceptions to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for mixed use corridor use. This request lies on 7.0 acres fronting approximately 860 feet in the northwest quadrant of the intersection of Hull Street Road and Duckridge Boulevard. Tax ID 722-671-1285.

Ms. Darla Orr, presented overview of the request and staff's recommendation for denial noting the proposed zoning and land use failed to conform to the Upper Swift Creek Plan which suggests the property is appropriate for office/residential mixed use. She also noted the applicant's submission of the revised Proffered Condition 12 which addressed the Transportation Department's concerns regarding shared access between the subject property and adjacent property to the west.

Mr. Jim Theobald, the applicant's representative, presented a background and an overview relative to the proposal and noted the approval of VDOT to install a traffic light on Duckridge Boulevard; the proposed change in permitted uses would permit more upscale tenants; the architectural theme would be compatible with Hancock Village; the significant improvements that would be provided to the BMP; and the off-site improvements to Lake Point Drive.

Mr. Gulley opened the floor for public comments.

Messrs. Jerry Stroud, Ms. Betty Clarke and Ms. Sharon Herring spoke in support of the request and stated the developers had offered conditions to address the residents concerns relative to permitted uses, building heights; the quality of the development; and noted the enhancements of the neighborhood.

Messrs. David Robinson, Bill Studwell, and Dr. Betty Hunter Clapp, Ms. Barbara Studwell, and Ms. Sue McMann, spoke in opposition of the request and asked the Commission to hold the applicant to the original rezoning approval, and voiced concerns relative to the excess of commercial uses in the area; additional traffic lights; increase in traffic; run-off and maintenance of the BMP to protect the reservoir; insufficient screening of the development; and drainage.

There being no one else to speak, Mr. Gulley closed the public comments.

Mr. Theobald reiterated the proposed improvements; significant tax revenues which would be generated; consistency with surrounding zoning.

Mr. McCracken responded to questions from the Commission relative to the approved traffic light. In response to Mr. Gulley's question, Ms. Orr stated the request did not conform to the old or new Upper Swift Creek Plan.

Mr. Bass expressed approval of the request.

Mr. Gulley expressed concerns relative to the traffic on Hull Street Road and Duckridge Boulevard; and noted the proposal does not comply with the recommendations of the Comprehensive Plan; and that if approved, more intense uses would be permitted adjacent to the Reservoir and the neighborhood.

Mr. Hassen stated that the Comprehensive Plan suggestion was incorrect given the commercial development surrounding the property and that the traffic impact would be the same if the property was developed under its current zoning.

Mr. Waller agreed that the proposal was acceptable indicating that office uses would be permitted under the proposed zoning.

Mr. Gulley made a motion for denial but the motion failed due to a lack of a second.

On motion of Mr. Bass, seconded by Mr. Hassen, the Commission resolved to recommend approval of Case 07SN0372 with the amendment to Proffer Condition 12 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

The property owner and applicant in this rezoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for themselves and their

successors or assigns, proffer that the property under consideration will be developed according to the following proffers if, and only if, the rezoning request submitted herewith is granted with only those conditions agreed to by the owner and applicant. In the event this request is denied or approved with conditions not agreed to by the owner and applicant, the proffers shall immediately be null and void and of no further force or effect.

1. Master Plan. The Textual Statement dated July 10, 2008 shall be considered the Master Plan. In addition, the Property shall be developed in general conformance with the schematic master plan entitled "Schematic Master Plan Duckridge Place Clover Hill District – Chesterfield County, Virginia" dated June 24, 2008 and prepared by Higgins & Gerstenmaier (the "Schematic Master Plan"). (P)
2. Elevations. The Property shall be developed in general conformance with the elevations filed herewith entitled "The Shops at Duck Ridge Place, Route 360, Chesterfield, Virginia" and prepared by Freeman Morgan Architects (the "Elevations"). (P)
3. Public Wastewater. The public wastewater systems shall be utilized. (U)
4. Hours of Operation. Uses shall not be open to the public between the hours of midnight and 6:00 a.m. (P)
5. Prohibited Uses. The following uses shall not be permitted on the Property:
 - a. Cocktail lounges and nightclubs as a primary use.
 - b. Coin-operated dry cleaning, laundry or laundromats.
 - c. Convenience store.
 - d. Electrical, plumbing or heating supply sales, service and related display rooms.
 - e. Fraternal uses.
 - f. Funeral homes or mortuaries.
 - g. Gasoline sales.
 - h. Greenhouses or nurseries.
 - i. Hospitals.
 - j. Hotels.
 - k. Indoor flea markets.
 - l. Material reclamation receiving centers.
 - m. Motor vehicle sales and/or rental.
 - n. Motor vehicle washes.
 - o. Motorcycle sales, service and/or repair.
 - p. Nursery schools and child or adult care centers and kindergartens.
 - q. Outside runs associated with veterinary hospitals and/or kennels.
 - r. Park and ride lots.
 - s. Recreational establishments, commercial-indoor.
 - t. Rest, convalescent or nursing homes and other group care facilities.
 - u. Taxidermies.
 - v. Theaters.
 - w. Freestanding fast-food restaurants with drive-through windows. (P)
6. Building Height. No building constructed on the Property shall exceed one-story in height, but in no event exceed thirty (30) feet in height. (BI & P)

7. Maximum Square Footage. Buildings on the Property shall not exceed 43,000 gross square feet in the aggregate. (P)
8. Masonry Wall. A masonry wall a minimum of six (6) feet in height shall be provided along a portion of the rear property line as shown on the Schematic Master Plan. (P)
9. Loading Docks. There shall be no loading dock on the rear of Building C as shown on the Schematic Master Plan. (P & BI)
10. Right-of-Way. Prior to site plan approval or within sixty (60) days of a written request by the Transportation Department, whichever occurs first, one hundred (100) feet of right-of-way on the north side of Route 360, measured from the centerline of that part of Route 360 immediately adjacent to the Property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)
11. Traffic Signalization. The developer shall be responsible for full cost of traffic signalization of the intersection of Hull Street Road and Duckridge Boulevard, if warranted, as determined by the Transportation Department. (T)
12. Access. Direct vehicular access to Route 360 shall be limited to one (1) entrance/exit located towards the western property line. The exact location of this access shall be approved by the Transportation Department. Prior to site plan approval, an access easement, acceptable to the Transportation Department, shall be recorded to ensure shared use of this access with the adjacent property to the west. (T)
13. Transportation. Prior to any issuance of certificate of occupancy, the developer shall be responsible for the following:
 - a. construction of an additional lane of pavement along westbound lanes of Route 360 for the entire property frontage;
 - b. construction of additional pavement along the westbound lanes of Route 360 at the approved access to provide a separate right turn lane; and
 - c. construction of additional pavement along the southbound lanes of Duckridge Boulevard at the Route 360 intersection to provide a separate right turn lane. The exact length of this improvement shall be approved by the Transportation Department.
 - d. dedication to Chesterfield County, free and unrestricted, any additional right-of-way (or easements) required for the improvements identified above. (T)
14. Finished Floor Elevation: Finished floor elevations shall not be exceeded 196'. (EE)
15. Exterior Materials: Any building shall have exposed exterior walls of brick, split face textured block, EIFS, textured "brick-like" concrete panels, or cementitious (i.e. "Hardiplank") siding or a combination of the foregoing. Smooth concrete block, painted or otherwise, shall be prohibited. All roofs shall be "tilt up", not flat, and shall either be comprised of standing seam metal or dimensional asphalt shingles. (BI & P)

AYES: Messrs. Bass, Brown, Hassen and Waller.
NAY: Mr. Gulley.

VIII. CITIZEN COMMENT ON UNSCHEDULED MATTERS.

There were no citizen comments.

Mr. Gulley asked Ms. McGee for clarification on the by-laws governing matters on which a citizen could comment.

IX. ADJOURNMENT.

There being no further business to come before the Commission, it was on motion of Dr. Brown, seconded by Mr. Waller, that the meeting adjourned at 12:48 a.m. to September 16, 2008, at 12:00 Noon in the Multipurpose Meeting Room of the Chesterfield County Community Development Building, 9800 Government Center Parkway, Chesterfield, VA.

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller.

Chairman/Date

Secretary/Date